

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND**

**UNITED STATES OF AMERICA**

\*

**v.**

\*

**Criminal Case No. 19-cr-144-RDB**

**CORTEZ WEAVER et al.**

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\*   \*   \*   \*   \*   \*   \*   \*   \*   \*   \*   \*

**MOTION TO SUPPRESS STATEMENTS**

Cortez Weaver, by and through undersigned counsel, hereby moves this Honorable Court, pursuant to Rule 12(b)(3) of the Federal Rules of Criminal Procedure, to suppress any and all statements, admissions, and confessions allegedly given by Mr. Weaver, whether oral, written, or otherwise recorded, that the government proposes to use as evidence against Mr. Weaver at trial. In support of the motion, Mr. Weaver alleges as follows:

1. Mr. Weaver is charged with three (3) co-defendants in a four (4) count indictment. Mr. Weaver is charged in three of those counts with conspiracy to distribute and possess with intent to distribute heroin in violation of 21 U.S.C. § 841(a)(1) and 21 U.S.C. § 846 (count 1), conspiracy to commit Hobbs Act robbery in violation of 18 U.S.C. § 1951(a) (count 2), and possessing a firearm in furtherance of a drug trafficking crime in violation of 18 U.S.C. § 924(c) (count 3). The charges relate to an alleged conspiracy to rob a fake stash house.

2. Mr. Weaver allegedly made statements to law enforcement officers during a custodial interrogation. Any statements, admissions, or confessions were obtained in violation of Mr. Weaver's privilege against self-incrimination, his right to counsel as guaranteed by the Fifth and Sixth Amendments to the U.S. Constitution, and the Supreme Court's holding in *Miranda v. Arizona*, 384 U.S. 436 (1966).

3. Mr. Weaver is also alleged to have given statements to undercover law enforcement and to at least one confidential informant. These statements were coerced and involuntary. *See Arizona v. Fulminante*, 499 U.S. 279, 287 (1991).

4. Any statements, admissions, or confessions were the fruit of Mr. Weaver's illegal arrest and in violation of the Fourth Amendment of the U.S. Constitution.

5. Mr. Weaver is entitled to a hearing regarding the voluntariness of any statements, admissions, or confessions attributed to him in accordance with the provisions of 18 U.S.C. § 3501 and the principles set forth in *United States v. Inman*, 352 F.2d 954 (4th Cir. 1965).

**WHEREFORE**, Mr. Weaver moves that all statements, admissions, and confessions that the government proposes to use as evidence against him, whether oral, written or otherwise recorded, be suppressed.

Respectfully submitted,

JAMES WYDA  
Federal Public Defender

/s/  
\_\_\_\_\_  
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**REQUEST FOR HEARING**

Pursuant to Rules 207 and 105.6 of the Local Rules of the United States District of Maryland, a hearing is requested on Mr. Weaver's motion.

Respectfully submitted,

JAMES WYDA  
Federal Public Defender

/s/  
\_\_\_\_\_  
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**CERTIFICATE OF SERVICE**

I hereby certify that on June 7, 2019, a copy of the foregoing was filed via CM/ECF, which automatically sends notice of such filing to all parties in this matter, including:

PJ Martinez  
Christina Hoffmann  
Assistant United States Attorneys  
United States Attorney's Office  
36 S. Charles Street, 4<sup>th</sup> Floor  
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/s/  
\_\_\_\_\_  
Maggie Grace  
Assistant Federal Public Defender